

1FW



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 23, 2006

Signature

(Judith A. Herrick)

Docket No.: MIY-P03-024
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chu et al.

Application No.: 10/642365

Confirmation No.: 1647

Filed: August 14, 2003

Art Unit: 3731

For: SYSTEMS, METHODS AND DEVICES
RELATING TO DELIVERY OF MEDICAL
IMPLANTS

Examiner: POUS, Natalie R.

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

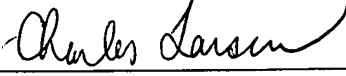
In response to the restriction requirement set forth in the Office Action mailed January 25, 2006, Applicants hereby elect without traverse the species set forth in claims 22-23.

Applicants note with appreciation that the Examiner deems claims 9-21 and 24-36 to be generic claims. As noted by the Examiner, "upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141." Thus, restrictions imposed on species encompassed by generic claims must be withdrawn upon indication of an allowable generic claim.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. MIY-P03-024 from which the undersigned is authorized to draw.

Dated: February 23, 2006

Respectfully submitted,

By 

Charles Larsen

Registration No.: 48,533

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant